

CV 14 - 00313

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

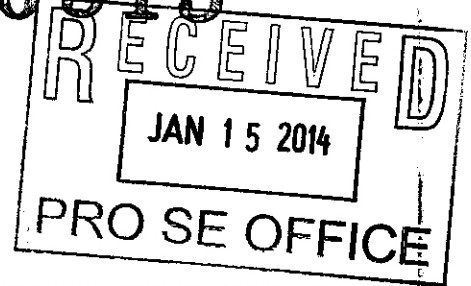
----- X  
AKHTAR ALI,

Plaintiff,

-against-

COMPLAINT

PLAINTIFF DEMANDS TRIAL BY JURY



NEW YORK CITY DEPARTMENT OF TRANSPORTATION,  
KISKA CONSTRUCTION, INC  
Defendant  
----- X

TOWNES, J.

1. At all times hereinafter mentioned, Plaintiff AKHTAR ALI, residing at 101-15 Woodhaven Boulevard, Ozone Park, NY 11416.

POLLAK, M.

2. Defendant, NEW YORK CITY DEPARTMENT OF TRANSPORTATION, is a N. Y. C. Government agency, located at 55 Water Street, 9th Floor, New York, NY 10041.

Defendant, KISKA CONSTRUCTION, INC is a private company contracted to do work as a N.Y.C. contractor, located at 1034 44th Drive, Long Island City, NY 11101.

3. The jurisdiction of this court is invoked pursuant to 42 USC § 1983.

4. AKHTAR ALI owns a lot on Jamaica Avenue between 97 Street and 98 Street in Queens, NYC. Throughout the year 2012, the NYC Department of Transport allowed Kiska Construction, Inc. to erect a 8-12 foot fenced enclosure in front of my adjoining properties at 97-14, 97-16, and 97-18 (and protruding into 97-20) Jamaica Avenue. This enclosure posed a material damage to my business and gave great economic distress. This fence blocked passers by from seeing the storefront. As a result, the properties remained empty, as prospective tenants were deterred by the lack of exposure. Further, it affected the safety of my buildings, as it provided a haven for vandals to attack my building. I have received untold damages on the buildings: there has been an immense amount of graffiti on the buildings mentioned.

Further, the front doors of 97-14 and 97-16 Jamaica Avenue were completely broken at least two times while the fence was up. The burglars also were able to enter my building without detection due to this fence and completely destroy the apartments upstairs, resulting in the need for an immense repairs. The damages caused by the burglars resulted in thousands of dollars of repairs, as well as the incurred cost of increased difficulty renting the property.

Additionally, the metal pipes protruding onto the sidewalk from this fence caused many passers by to get hurt and increase my liability for injuries.

This is a violation of my property rights and clear unconstitutional behavior by the NYC

Department of Transportation.

5. WHEREFORE, Plaintiff demands:

Money damages in the amount of \$1,000,000.00

Revocation of pending violations against the property mentioned.

Any further relief which the court may deem appropriate.

AKHTAR ALI

101-15 Woodhaven Boulevard

Ozone Park, NY 11416

(718) 805-0504

SIGNATURE: 

Notary Public



DATE: 1/15/2014



Sworn and subscribed on this  
13<sup>th</sup> of January, 2014